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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,697	12/05/2003	Jason Antonelli	MS#306114.01 (5093)	9983
38779 7590 07/21/2009 SENNIGER POWERS LLP (MSFT) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102				
EXAMINER				
AUGUSTINE, NICHOLAS				
ART UNIT		PAPER NUMBER		
2179				
NOTIFICATION DATE		DELIVERY MODE		
07/21/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/728,697

Applicant(s)

ANTONELLI ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13,14,17,20-22,25,27 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,13,14,17,20-22,25,27 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Request for Continued Examination filed 05/11/2009.
- B. Claims 1-2, 5-11, 13-14, 17, 20-22, 25, 27 and 36-39 remain pending.
-

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/11/2009 has been entered.

NOTE: In order at an attempt to further prosecution Bryan (US Pat. 7,133,869) rejection will be vacated to show that other references exist that teach the claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-11, 13-14, 17, 20-22, 25, 27 and 36-39 is rejected under 35 U.S.C. 102(e) as being anticipated by Pather, Shyamaian (US Pub. 2004/0002972 A1), herein referred to as "Patther".

4. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to independent claims 1 and 13, Pather teaches a method of generating notifications in a notifications system and corresponding computer readable media (figure 1), said notifications system being configured to provide notifications to subscribers (par.9) via a data communication network (par.10), said notifications containing content provided by one or more content providers (par.6), said method comprising: receiving a parameter-driven template from a content provider (par.117), said template relating to a category specified by the content provider,(par.72), said template containing one or more parameters specified by the content provider, said

parameters defining a plurality of events specified by the content provider and relating to the specified category, each of said events comprising a recurring event specified by the content provider (par.69, 72-73), said parameters relating a subscription for notifications and specifying a predefined scheduled time for the notifications to occur (par.69; times are defined for when a notification is to take place (i.e. a stock price changes at a specific time, a sports score, any real world happening, etc...); enabling a notifications application based on the received template (par.117, 648), said notifications application mapping a recurring event (par.68,148) to one or more subscribers as a function of the parameters specified by the content provider (par.148) enabling the notifications application based on the received template includes creating an application definition file that describes the notifications application (par.120) and executing the notifications application on a recurring basis to generate a notification in accordance with the predefined scheduled time specified by the received parameter-driven template parameters, wherein the notification is generated based on matching the latest recurring event of the specified category with subscribers of the specified category, and wherein the generated notification is delivered to the subscribers of the specified category on a recurring basis in accordance with the predefined scheduled time defined by the received parameter-driven template parameters (par.69-72, 117,148-150, 648 and 650). ***In short Pather provide a system for gathering events from content providers called event providers from around the world which is sent to a notification application server that access a database for subscription***

information which sends notifications to delivery channels where the delivery services send the notification to end users or subscribers.

As claim 2, Pather further teaches providing the template to the content provider for completion by the content provider (par.117 and 121).

As claim 5, Pather further teaches one of the parameters specified by the content provider relates to delivery of the notifications at a predetermined time of day (par.220-221).

As claim 6, Pather further teaches the method of claim 5, further comprising matching a most recent instance of the recurring event to the subscription to generate the notifications for delivery at the predetermined time of day (par.266).

As claim 7, Pather further teaches one of the parameters specified by the content provider relates to delivery of the notifications upon occurrence of the recurring event (par.148).

As claim 8, Pather further teaches matching the recurring event to the subscription to generate the notifications for broadcast delivery upon occurrence of the recurring event (par.147-148).

As claim 9, Pather further teaches providing a user interface for the subscribers to manage the subscription (par.142).

As claim 10, Pather further teaches the method of claim I, wherein the notifications relate to one or more of following topics: horoscope, lottery, and news (par.118).

As claim 11, Pather further teaches defining the template based on common features of a plurality of notifications applications (par.117,119-120).

As for independent claim 14, Pather teach a data structure defining an application for use in a notifications system (figure 1), said notifications System being configured to execute the defined application for providing notifications to subscribers (par.9) via a data communication network (par.10), said notifications containing content provided by one or more content providers (par.6), said data structure comprising: a user interface template configured to contain information for defining a user interface corresponding to

the application for managing the subscription of the user, said interface allowing the user to select a category, wherein a subscription is generated for the user from the user interface template, said subscription indicating that the user wants to receive notifications related to the selected category and allowing the user to specify a predefined scheduled time for the notifications to occur (par.68-69,117); a scenario template configured to contain information for defining the application (par.117-120,648-650), said scenario template having one or more parameters specified by the content provider (par.69,72-73,648) and relating to a subscription for notifications (par.68-69), wherein the scenario template includes a category component defining a plurality of events specified by the content provider and relating to a category specified by the content provider, for which the notifications are to be generated, each of said events relating to a recurring event specified by the content provider (par.68,148); a notification generation component responsive to an event feed for mapping a recurring event (par.68,120,148) to one or more subscribers as a function of the parameters specified by the content provider and as a function of the subscription of the subscriber, said notification generation component generating a notification for recurring event in accordance with the predefined scheduled time specified by the received parameter-driven template parameters, wherein the notification is generated based on matching the latest recurring event of the specified category with subscribers of the specified category (par.86 and 93); and a delivery component for routing the notification to the subscribers of the specified category relate to the event, wherein the notification is routed to the subscribers of the specified category on a recurring basis in accordance

with the predefined scheduled time defined by the received parameter- driven template parameters (par.69-72, 117,148-150, 648 and 650) (note the analysis of claim 1 above).

As claim 17, Pather further teaches one of the parameters specified by the content provider relates to delivery of the notifications at a predetermined time of day (par.220-221).

As claim 20, Pather further teaches the notifications relate to one or more of following topics: horoscope, lottery, and news (par.118).

As claim 21, Pather further teaches the scenario template is based on common features of a plurality of notifications applications (par.117-120).

As for independent claim 22, Pather teaches a system configured for generating and delivering notifications to subscribers (figure1), via a data communication network (par.10), said notifications containing content provided by one or more content providers (par.6 and 9), said system comprising:
a computing device (figure 1) coupled to a data communication network (par.10) and

configured to receive; a subscription from a subscriber specifying a category for which the subscriber wants to receive notification of the events relating to the specified category (par.9,68-69,72); a parameter-driven template from a content provider via the data communication network (par.68-70), said template containing information provided by the content provider and relating to a subscription for notifications (par.117-120), said template relating to a category specified by the content provider, said template containing one or more parameters specified by the content provider, said parameters defining a plurality of events specified by the content provider and relating to the category, each of said event relating to a recurring event specified by the content provider, said parameters relating to a subscription for notifications and specifying a predefined scheduled time for notifications to occur (par.68,71-72,117,648); to enable a notifications application based on the template, said notifications application mapping a recurring event (par.68,71-72,117,648) to one or more subscribers as a function of one or more parameters specified by the content provider on a recurring basis in accordance with the predefined scheduled time defined by the parameter-driven template parameters (par.68,71-72,87) wherein the generated notification is delivered to the subscribers of the specified categories on a recurring basis in accordance with the predefined scheduled time specified by the received parameter-driven template parameters wherein the notification is generated based on matching the latest recurring event of the specified category with subscribers of the specified category (par.85-88), and wherein the generated notification is delivered to the subscribers of the specified category on a recurring basis in accordance with the predefined scheduled time defined

by the received parameter-driven template parameters(par.69-72, 117,148-150, 648 and 650).

As claim 25, Pather further teaches one of the parameters specified by the content provider relates to delivery of the notifications at a predetermined time of day (par.220-221).

As claim 27, Pather further teaches the computing device is further configured to receive another parameter-driven template (par.117,148,648) from the content provider via the data communication network (par.10), said other template containing information provided by the content provider (par.141-143).

As claim 28, Pather further teaches the notifications relate to one or more of following topics: horoscope, lottery, and news (par.118).

As claim 29, Pather further teaches the template is based on common features of a plurality of notifications applications (par.117-120).

As claim 30, Pather further teaches the computer-readable medium further stores computer-executable instructions to be executed on the computing device to create an application definition file that describes the notifications application (par.118-120).

As claim 31, Pather further teaches comprising a subscription store configured to store notification offerings described by the application definition file (117-120).

As claim 32, Pather further teaches the system of claim 31, wherein the computer-readable medium further stores computer-executable instructions to be executed on the computing device to validate incoming subscription management requests and commit the requests to the subscription store (par.79).

As claim 33, Pather further teaches the computer-readable medium further stores computer-executable instructions to be executed on the computing device to generate the notification based on matching external events with corresponding subscriptions (par.80-83).

As claim 34, Pather further teaches the system of claim 22, wherein the computer-readable medium further stores computer-executable instruction to be executed on the computing device to deliver the notification system (par.6-10).

As claim 35, Pather further the template is predefined and re-usable (par.117,148,648-650).

As for independent claim 36, Pather teaches a notification system for generating and delivering notifications to subscribers (figure 1; par.6), said notifications containing content provided by one or more content providers (par.9), said system comprising: a computing device (figure 1) coupled to a data communication network (par.10), said computing device being configured to receive a parameter-driven template (par.68-69, 117, 148) from a content provider via the data communication network (par.9-10), said template containing information provided by the content provider and relating to a subscription for notifications (par.117-120, 148) said template relating to a category specified by the content provider, said template containing one or more parameters specified by the content provider, said parameters defining a plurality of events specified by the content provider and relating to the category, each of said event relating to a recurring event specified by the content provider said parameters relating to a subscription for notifications and defining a predefined scheduled time for the notifications to occur (par.68-69,721-72,148); a subscription store (par.82) associated

with the computing device, said subscription store being configured to store one or more notification offerings (par.82-83) described by an application definition file, said application definition file being generated from the received a parameter-driven template, said application definition file including the predefined scheduled time for the notifications to occur (par.68-69,117,148); to enable a notifications application to execute on a recurring basis according to the predefined scheduled time for the notifications occur included in the application definition file (par.117-120), said notifications application delivering the notification to the subscribers in response to an recurring basis in accordance with the predefined scheduled time included in the application definition file wherein the notifications application maps the latest recurring event to the specified category to one or more subscribers as a function of the parameters specified by the content provider (par.69-72,117,148-150,648,650).

As claim 39, Pather further teaches one of the parameters specified by the content provider relates to delivery of the notifications at a predetermined time of day (par.220-221,266).

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Applicant's arguments with respect to claims 1-2, 5-11, 13-14, 17, 20-22, 25, 27 and 36-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 2179

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July 8, 2009